

April 19, 2010

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



The following constitutes
the order of the court. Signed April 19, 2010


Roger L. Efremsky
U.S. Bankruptcy Judge

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EMI WATERFORD MUSIC, INC.,
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1 SCREEN GEMS-EMI MUSIC INC. AND
2 STONE DIAMOND MUSIC

3 UNITED STATES BANKRUPTCY COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 SAN JOSE DIVISION
6

7 In re

8 SEEQPOD, INC.,
9 Debtor.
10

Case No. 09-52226-RLE-7

Chapter 11

Honorable Roger L. Efremsky

**ORDER COMPELLING
EXAMINATION UNDER
BANKRUPTCY RULE 2004**

Date: March 24, 2010
Time: 11:30 a.m.
Ctvm: 3099
280 South First Street
San Jose, CA 95113

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17 Upon consideration of the Motion to Compel Examination Under Bankruptcy Rule 2004
18 (the "Motion") filed by the above-referenced WMG and EMI creditors, which was heard on
19 March 24, 2010 and continued to April 14, 2010; and the Court having reviewed the Motion and
20 the supporting memorandum of points and authorities and Declaration of Blanca Young and the
21 exhibits thereto, the arguments of counsel at the hearings on the Motion, and the record in this
22 case and the related adversary proceeding; the Court finds that notice of the Motion was
23 appropriate under the particular circumstances, that WMG and EMI attempted to confer in good
24 faith to obtain the compliance of Mr. Franks with this Court's prior order authorizing his
25 examination under Fed. R. Bankr. P. 2004 (the "2004 Order"), that Franks has not objected to the
26 2004 Order or the subpoena issued for his examination (the "Subpoena"), and that WMG and
27 EMI are entitled to examine Franks pursuant to the Subpoena and 2004 Order; and after due
28 deliberation and sufficient cause appearing therefor, it is hereby ORDERED:

1 1. The Motion is granted.

2 2. Kasian Franks is hereby compelled to produce the documents requested in the
3 2004 Order and the Subpoena on or before 5:00 p.m. (prevailing Pacific Time) on May 21, 2010
4 at the offices of Munger, Tolles & Olson, LLP, 560 Mission Street, 27th Floor, San Francisco,
5 CA 94105-2907.

6 3. Kasian Franks is hereby compelled to comply with the 2004 Order and Subpoena
7 by submitting to a deposition to commence no later than 9:00 a.m. on June 7, 2010 at the offices
8 of Munger, Tolles & Olson, LLP, 560 Mission Street, 27th Floor, San Francisco, CA 94105-
9 2907. The deposition shall continue from day to day until completed, subject to further court
10 order to stop the deposition before completion based upon a showing of good cause.

11 4. The Movants and Mr. Franks are entitled to meet and confer to set deadlines for
12 production and deposition to occur earlier than the dates set forth in paragraphs 2 and 3 but
13 production shall be completed and the deposition shall commence no later than the dates set forth
14 in those two paragraphs.

15 5. Failure to comply with this Order may result in sanctions as set forth in Fed. R.
16 Civ. P. 37, including treating the failure to obey this Order as contempt of Court.

17 6. This Court shall retain jurisdiction over any and all matters arising from or related
18 to the interpretation and/or implementation of this Order.

19 **END OF ORDER**

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COURT SERVICE LIST

Examinee

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